

HOUSE BILL REPORT

HB 1205

As Reported by House Committee On:
Judiciary
Ways & Means

Title: An act relating to changing the number of court of appeals judges.

Brief Description: Adding one judge to division two of the court of appeals.

Sponsors: Representatives Van De Wege, Rolfes, Haigh and Williams; by request of Board For Judicial Administration.

Brief History:

Committee Activity:

Judiciary: 1/19/09, 1/22/09 [DP];

Ways & Means: 2/9/09, 2/27/09 [DPS].

Brief Summary of Substitute Bill

- Authorizes an additional judge position for Division II of the Court of Appeals.
- Specifies that the judge position becomes effective only if that position is specifically funded and referenced in an omnibus appropriations act.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Minority Report: Do not pass. Signed by 1 member: Representative Shea, Assistant Ranking Minority Member.

Staff: Edie Adams (786-7180)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Washington State Court of Appeals is a non-discretionary appellate court and therefore must hear all cases filed with the court. All appeals of superior court decisions, except those that may be appealed directly to the Supreme Court, are heard by the Court of Appeals. There are three divisions of the Court of Appeals, headquartered in Seattle, Tacoma, and Spokane. Each of the three divisions is further divided into three geographic districts. Judges of the Court of Appeals are elected by district to six-year terms. They must be residents of the districts from which they are elected and must have been admitted to the practice of law in this state for at least five years.

Division II of the Court of Appeals is headquartered in Tacoma and has a total of seven judge positions, allocated as follows to the three districts:

- three judges in District 1, which consists of Pierce County;
- two judges in District 2, which consists of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston counties; and
- two judges in District 3, which consists of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties.

Summary of Bill:

The number of judges authorized in Division II of the Court of Appeals is increased from seven to eight. The new judge position is allocated to District 2 of Division II, increasing the number of judge positions for District 2 to three.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Obtaining justice in the court system requires access to justice and enough judicial officers to decide those court cases. Now is the proper time to request a new position for Division II of the Court of Appeals to address the increased workload of the court and the backlog that has resulted. Recognizing the budget crisis, there is no request to fund this position at this time. The authorized position will not expire; it can sit open until the Legislature decides to fund it.

(Opposed) None.

Persons Testifying: Mellani McAleenan, Board for Judicial Administration; and C.C. Bridgewater, Washington State Court of Appeals.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler, Cody, Conway, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest, Ross, Schmick, Seaquist and Sullivan.

Minority Report: Do not pass. Signed by 1 member: Representative Darneille.

Staff: Alex MacBain (786-7288)

Summary of Recommendation of Committee On Ways & Means Compared to Recommendation of Committee On Judiciary:

The Ways and Means Committee recommended the addition of language which specifies that the judge position becomes effective only if that position is specifically funded and referenced in an omnibus appropriations act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) A review using nationwide standards and standards developed internally was undertaken and showed the need for an additional judge in Division II of the Court of Appeals. Since 1999 the population in the Division has increased by 230,000 people and 11 Superior Court judges, which have increased the volume of cases before the Court of Appeals. Recognizing the budget crisis, there is no request to fund this position at this time.

(Opposed) None.

Persons Testifying: Representative Van De Wege, prime sponsor; Justice C. C. Bridgewater, Court of Appeals; and Mellani McAleenan, Board for Judicial Administration.

Persons Signed In To Testify But Not Testifying: None.